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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/481,577	01/12/2000	Glenn R. Toothman, III		5806

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EXAMINER	
CAPUTO, LISA M	
ART UNIT	**PAPER NUMBER**
2876	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/481,577	TOOTHMAN, LLL ET AL.	
	Examiner	Art Unit	
	Lisa M. Caputo	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-9,12-16,24,28,31-33 and 55-67* is/are pending in the application.

4a) Of the above claim(s) *56-65* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-9,12-16,24,28,31-33,55,66 and 67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed 18 October 2006.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 4-8, 14-16, 24, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner [EP 380 727 A1] in view of Assisi [US 5,696,488, previously cited by the examiner] and Gunnarsson [U.S. Patent No. 5,640,164].

Weiner discloses a system for providing information about a historically notable location (i.e., museum) or related to a geographically remote and publicly accessible location (i.e., exhibition environment), comprising:

a memory device 2, 92, 112 affixed to a physical object positioned at the historically notable location (i.e., museum) or the geographically remote and publicly accessible location (i.e., exhibition environment) and wherein the memory device storing information related to the article in the historically notable location (i.e., museum) or related to a geographically remote and publicly accessible location (i.e., exhibition environment) (see figures 1-14);

a portable device (a portable sound-producing unit 4), separate from the memory device, held by a user, that retrieves the stored information directly from the memory device via a non-permanent proximity link when positioned at the memory location (historically notable location such as a museum) and communicates the stored information to a user located at the historically notable location (i.e., museum) or the geographically remote and publicly accessible location (i.e., exhibition environment) via a speaker 10 and/or a display 34 (see figures 1-3 and 6-14);

wherein the memory device is a contactless device for data and power (i.e., the memory device includes a static memory unit therein and is a contactless device for storing the memorial information without power, in other words, once the data corresponding to the historical information is stored internally within the memory device ROM 20, the contactless memory device itself is free from physical connection to a source of the data while the memory device is positioned at the historically notable location, see col. 10, lines 2+ and figure 8) or a contact device (see figures 1-3, 6-7, and 9);

wherein said communication of the information stored in the memory to at least one of the public users located at the historically notable location (i.e., museum) or the geographically remote and publicly accessible location (i.e., exhibition environment) sequentially follows and is substantially temporally commensurate with said retrieval of the memorial information directly from the memory device (see col. 6, lines 54+ and col. 5, lines 1+); and

wherein the memory device comprises a programmable read only memory device (ROM) (see col. 12, lines 23+)

and wherein the memory device is free from physical connection to source of the data (i.e., one that creates the data, in other word, once the data is stored in ROM 20, the to source of the data is free from physical connection) at least while the memory device is positioned at the cemetery location.

Weiner fails to teach the memory device comprises a programmable random access memory device.

However, Weiner does indeed teach the use of a RAM memory within the portable device 4, which is used within the system (see Figure 2, col 4, lines 31 to col 5 line 8).

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize device in the memory device in order to provide a rewriting capability so that information can be periodically updated if necessary.

Re claims 1, 4-6, 14, 24, and 31: Although Weiner teaches that the system is for providing information about a historically notable location (i.e., museum) or related to

the geographically remote and publicly accessible location (i.e., exhibition environment); Weiner is silent with respect to the system for providing memorial information about a deceased party entered at a cemetery location and the memory device is a weather resistant memory device.

Assisi discloses a system for providing memorial information about a deceased party entered at a cemetery location (see the abstract). The system includes a computer 5 having a memory device 6 permanently affixed to a stationary physical object/location positioned at the cemetery location (i.e., the computer and the memory is directly located in the cemetery 1). The memory device is weather resistant memory device and memorial information stored in the memory device (see col. 1, lines 4+; col. 2, lines 7+; and the figure). The system further includes a portable memory reading device 3, 11 holdable by one of the visitor or public users, separate from the memory device of the cemetery location 1, that retrieves the memorial information directly from the memory device of the cemetery location when it is positioned at the cemetery location (i.e., wireless communication carried out when the portable memory reading device is brought into the vicinity of the memory device 2, which is a non-permanent proximity link).

In view of the teaching of Assisi, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the system in other environment, for example, for providing a weather resistant information device at a cemetery location, as taught by Assisi, in the system of Weiner in order to expand the use of the information retrieval system in another environment.

Note: It is noted by the examiner that in claim 24, the limitation of the remote memorial and historical information related to a cemetery and a historical notable of the remote location is recited in the preamble, thus has not been given patentable weight. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding claims 1 and 24, Weiner as modified by Assisi fails to teach that the memory device is powered via a data line.

Gunnarsson teaches a system for the transmission of information by microwaves and a communication device to be used in such a system. Gunnarsson discloses that data that has been transmitted from the communication unit to the terminal can be emitted to a superior system via the data line 32 (see Figure 4, col 4, lines 47-60). Hence, the memory device can be powered by this data line.

In view of the teaching of Gunnarsson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to power the memory device by a data line because this allows the device to be smaller since the power is utilized from an external source. Having a smaller memory device is favorable so that people are able to access and use the device more efficiently.

Re claims 7-8, 15-16, and 32-33: Weiner teaches the stored information in the memory device is a audible recording sound message in different languages and a video signal (see col. 2, lines 14+); and

Assisi teaches the memorial information in the memory device of the cemetery location is in form of text, image or audio data in combination of the deceased person in the cemetery and may be call up by any visitor or public user with the portable memory-reading device 3, 11 (see col. 1, lines 35+ and col. 2, lines 23+).

Weiner as modified by Assisi fails to teach the specific language format of the information resides on the memory device such as extensible markup language or hypertext markup language formats.

However, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to utilize any suitable language format appropriate to the system. Furthermore, since applicant has not discloses that utilizing extensible markup language or hypertext markup language formats in the memory device would solve any stated problems or is for any particular purpose and it appears that the invention would perform equally well with any other applicable language/text format that is available. Therefore, it would have been an obvious design variation to a person skilled in the art. One might choose the specific text format in order to meet specific communication standards/requirements. Accordingly, it would have been an obvious expedient.

3. Claims 9, 12-13, 28, 55, and 66-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner [EP 380 727 A1, previously cited by the Examiner] in view of Gunnarsson [U.S. Patent No. 5,640,164].

Re claims 9, 28, 55, and 66-67: Weiner discloses a system for providing information about a historically notable location (i.e., museum), related to a geographically remote and publicly accessible location (i.e., exhibition environment), or a remote and infrequently visited location comprising:

a memory device 2, 92, 112 affixed to a physical object positioned at the historically notable location (i.e., museum) or the geographically remote and publicly accessible location (i.e., exhibition environment) and wherein the memory device storing information related to the article in the historically notable location (i.e., museum) or related to a geographically remote and publicly accessible location (i.e., exhibition environment) (see figures 1-14);

a portable memory reading device (a portable sound-producing unit 4), separate from the memory device, held by a user, that retrieves the stored information directly from the memory device via a non-permanent proximity link when positioned at the memory location (historically notable location such as a museum) and communicates the stored information to a user located at the historically notable location (i.e., museum) or the geographically remote and publicly accessible location (i.e., exhibition environment) via a speaker 10 and/or a display 34 (see figures 1-3 and 6-14);

wherein the memory device is a contactless device for data and power (i.e., the memory device includes a static memory unit therein and is a contactless device for

storing the memorial information without power, in other word, once the data corresponding to the historical information is stored internally within the memory device ROM 20, the contactless memory device itself is free from physical connection to a source of the data while the memory device is positioned at the historically notable location, see col. 10, lines 2+ and figure 8) or a contact device (see figures 1-3, 6-7, and 9);

wherein said communication of the information stored in the memory to at least one of the public users located at the historically notable location (i.e., museum) or the geographically remote and publicly accessible location (i.e., exhibition environment) sequentially follows and is substantially temporally commensurate with said retrieval of the memorial information directly from the memory device (see col. 6, lines 54+ and col. 5, lines 1+); and

wherein the memory device comprises a programmable read only memory device (ROM) (see col. 12, lines 23+).

wherein the memory device is free from physical connection to source of the data (i.e., one that creates the data, in other word, once the data is stored in ROM 20, the to source of the data is free from physical connection) at least while the memory device is positioned at the cemetery location

Note: It is noted by the examiner that in the claims, the limitation of the remote memorial and historical information related to a cemetery, a historical notable of the remote location, or a remote and infrequently visited location is recited in the preamble, thus has not been given patentable weight. A preamble is generally not accorded any

patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). It is also noted that "a remote and infrequently visited location" as recited in claims 66-68 is very broad terminology that is interpreted by the examiner to be taught by the Weiner reference, as a museum or historical place can be considered remote and infrequently visited depending on where a person lives and how often they visit the location.

Re claims 9, 28, 55, and 66-68, Weiner fails to teach the memory device comprises a programmable random access memory device.

However, Weiner does indeed teach the use of a RAM memory within the portable device 4, which is used within the system (see Figure 2, col 4, lines 31 to col 5 line 8).

Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize device in the memory device in order to provide a rewriting capability so that information can be periodically updated if necessary.

Re claims 9, 28, 55, and 66-67, Weiner as modified by Assisi fails to teach that the memory device is powered via a data line.

Gunnarsson teaches a system for the transmission of information by microwaves and a communication device to be used in such a system. Gunnarsson discloses that data that has been transmitted from the communication unit to the terminal can be

emitted to a superior system via the data line 32 (see Figure 4, col 4, lines 47-60). Hence, the memory device can be powered by this data line.

In view of the teaching of Gunnarsson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to power the memory device by a data line because this allows the device to be smaller since the power is utilized from an external source. Having a smaller memory device is favorable so that people are able to access and use the device more efficiently.

Re claim 12-13: wherein the memory device is permanently affixed to a stationary physical object (see figures 1, 12-14 for example).

Re claim 55: the contact memory device having a data connector (an input device or a plug 8, 43, 46, 83), wherein said data connector, upon wired connection to the said portable reader (see figure 1 for example) and upon contact with said memory device 4, 120 (i.e., upon plugged into said portable reader, see figures 1-3, 9), passed the information directly from said memory device positioned at the remote location to said portable reader located at the remote location via a non-permanent proximity link (see col. 6, lines 54+; col. 5, lines 1+; figures 1-3, and 9 for example).

Response to Arguments

4. Applicant's arguments filed 18 October 2006 have been fully considered and are moot due to the new grounds of rejection. However, some arguments still pertain to the rejection. These arguments are not persuasive and will be explained below.

5. In response to applicant's argument that Weiner discloses that the memory unit has its own designated energy source, as opposed to the memory device being

powered via a data line, examiner respectfully submits that as originally claimed, the memory device was "free from an external physical connection to a power source". Although examiner is unsure of why the basis for the connection to a power source is being changed, examiner has applied prior art in the form of Gunnarsson to meet this limitation.

In response to applicant's argument that Weiner fails to specifically teach a memory device utilizing random access memory, examiner respectfully disagrees and submits that Weiner does indeed teach a RAM within the portable device, and hence a RAM is usable within the system. In addition, it is well known in the art to be able to utilize both ROM (as in the memory device) and RAM memories in order to have more capabilities of storing and using data. Further, in response to applicant's arguments that uploading information into the RAM form a portable device is not obvious in light of the claimed memorialized environments as recited in the claims, examiner respectfully disagrees and submits that data loading into RAM is well known and conventional in the art no matter what the purpose, and the purpose of the limitations in the claims is intended use, which does not have patentable weight. The prior art teaches that information regarding memorials is able to be stored and accessed, and it is obvious to be able to modify this information.

In response to applicant's arguments that the portable device is unable to load information onto the memory device, examiner respectfully submits that the modified rejection has made this argument moot (i.e. the RAM within the system of Weiner can be applied to the memory device and hence data is able to be conveyed there since the

connection has already been established). Hence, it is respectfully submitted that the combination of the Weiner and Assisi references teach all of the limitations of the claims as recited.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Lisa M. Caputo*** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398.** The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**lisa.caputo@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lisa M. Caputo
AU 2876
January 21, 2007